S.B. Criminal Misc. II Bail Application No.4052/2006

Date : 28.11.2006.

HON'BLE MR. SATYA PRAKASH PATHAK, J.

Mr. H.S.S. Kharlia for the applicants.
Mr. V.R. Mehta, Public Prosecutor.
Mr. Pankaj Sharma for the complaint.

I have heard learned counsel for the applicants as well as the learned Public Prosecutor for the State assisted by learned counsel for the complainant and carefully gone through the impugned order.

The contention of learned counsel for the applicants is that the statement of the injured has already been recorded and specific allegation has not been attributed to the present applicants and other co-accused Chinda Singh has been granted bail by this Court in S.B. Criminal Misc Bail Application No.4102/2006, therefore, the bail application of present applicants may be enlarged on bail.

On the other hand, learned Public Prosecutor assisted by learned counsel for the complainant have opposed the bail application and submitted that it appears that accused applicants were on the spot and they participated in crime, therefore, they should be enlarged on bail.

I have considered the submissions made before me and carefully perused the material available on record.

Without expressing any opinion on the merit of the case while taking into consideration the overall facts and circumstances of the present case and the fact that Chinda Singh has already been granted bail by this Court, I deem it just and proper to enlarge the accused applicants on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and it is directed that applicants (1) Mahendra s/o Sardara Ram (2) Rakesh s/o Mahendra and (3) Sushil s/o Shivchand shall be released on bail in FIR No.189/2006 P.S. Tibi, Hanumangarh, provided each of them executes a personal bond in the sum of Rs.30,000/- with two

sound and solvent sureties in the sum of Rs.15,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(SATYA PRAKASH PATHAK), J.

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